

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOELLA LIGGINS,)	
)	
Plaintiff,)	
v.)	No. 3:05-1078
)	No. 3:05-1079
KIMBERLY SMITH, et al.,)	JUDGE ECHOLS
)	
Defendants.)	

ORDER

Pending before the Court is the Report and Recommendation of the Magistrate Judge (Docket Entry No. 5) recommending that these consolidated actions be dismissed in part for want of federal jurisdiction due to application of the domestic relations exception, in part for failure to state a claim on which relief may be granted under 28 U.S.C. § 1915(e)(2)(B)(ii), and in part as legally frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

Under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), the Court may accept, reject, or modify in whole or in part the findings or recommendations made by the Magistrate Judge. Plaintiff Joella Liggins has not filed any objections to the R&R.

Having carefully reviewed the entire record in these cases, the Court rules as follows:

(1) The Report and Recommendation (Docket Entry No. 5) is hereby ACCEPTED IN PART AND REJECTED IN PART. The Court REJECTS that portion of the Report and Recommendation relying on a lack of

federal subject matter jurisdiction. The domestic relations exception ordinarily applied in diversity cases does not apply here where the actions are brought pursuant to 42 U.S.C. § 1983 and the Court has federal subject matter jurisdiction pursuant to 28 U.S.C. § 1343. The Report and Recommendation is ACCEPTED in all other respects.

(2) These actions are hereby DISMISSED WITH PREJUDICE.

(3) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

(4) The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal by Plaintiff would not be taken in good faith.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", is written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE